



SPORT4ONTARIO POSITION ON BILL 30 - PROTECTION OF MINORS IN AMATEUR SPORTS ACT, 2007

Bill 30 is an imperfect solution to a much larger issue than this Bill identifies. The parameters within Bill 30 are too narrow and it fails to address the needs of the entire vulnerable population in a cross-sector approach.

Background

On April 5, 2007, MPP Jerry Ouellette (Oshawa) successfully introduced Bill 30 to the Ontario Legislative Assembly for first reading. Bill 30 proposes to make “criminal record checks mandatory for referees, other officials, trainers, coaches or any other position that involves dealing with persons under 18 years of age on a regular basis in amateur sport organizations in which persons under 18 years of age may participate.”

The sport system within the non-profit sector relies almost exclusively on volunteers to provide services. The sport sector acknowledges that over the years events have taken place within the sector that have given rise to the scrutiny of policy and process. Efforts have been made to address this. However, there is no data or even anecdotal evidence to suggest that sport or any other segment of the non-profit sector (including recreation, arts, culture, etc.) is rampant with criminals. Bill 30 and its introduction however, make that suggestion much to the dismay of the hundreds and thousands of dedicated, caring, and committed volunteers within the sport community.

Police record checks are not enough

There is no question of the merit of the screening process and its direct impact on reducing risk within the environment. Screening is a necessary step not only to protect minors, but also to protect the organization itself from fraudulent activities that may affect its ability to meet stated objectives.

Volunteer screening is not a new initiative within the non-profit sector.

- Agencies that provide services to the young, aged and those with special needs must take reasonable steps to ensure the safety of their participants.

- Organizations must also take reasonable steps to protect their organization's assets and ability to serve effectively by ensuring the appropriateness of their staff, volunteers and board members.
- For organizations that serve the vulnerable population and that rely on volunteers to satisfy their objectives, there is no room for complacency.

Effective screening, as prescribed by Volunteer Canada is a 10-step process.

- It takes into consideration the position of the volunteer and level of risk to people and assets; requires applications, interviews and reference checks; and requires orientation, training, supervision and evaluation of volunteers.
- A criminal record check is but one of 10-steps and although it may help an organization to make a sound decision on its own it does not provide effective screening.
- Criminal record checks cannot provide an accurate assessment of someone's suitability or provide a complete criminal history.
- A criminal record check from the local police detachment may only capture criminal convictions within that particular jurisdiction. If a person moves from town to town and leaves a trail of convictions that may not be disclosed.
- Bill 30 does not require a criminal record check that includes a CPIC (Canadian Police Information Centre) check that will capture criminal convictions across the country.
- Criminal record checks do not capture dropped charges, investigations of criminal behaviour, or other such areas that are captured by Vulnerable Sector Checks

Why single out the sport sector?

Valid concerns with Bill 30 in its current form have echoed throughout the sport community. These concerns focus on the language, punitive measures, process, decision-making, and apparent lack of understanding of both the sport system and the effectiveness of criminal record checks as a measure of appropriateness for volunteer and staff placement.

Bill 30 proposes punitive measures against the already strained sport infrastructure.

- There is no suggestion of providing sport organizations with the resources to comply with this legislation.
- The cost of criminal record checks varies throughout the province. In some areas there is no cost and in others there may be fees of \$25, \$35, \$50 per check.

- The sport sector is the single largest volunteer sector in Canada. Yet volunteers in sport are dwindling in numbers as the requirements for participation increase. Creating the infrastructure for sport organizations to implement this legislation and to ensure compliance with requirements like privacy would be a substantial task.

How to deal with the positive criminal check?

There is no requirement within this Bill for a sport organization to eliminate someone from consideration for a volunteer or paid position who presents a criminal background.

- There are instances when a volunteer may present with a previous conviction from their early adulthood, or with a conviction that is not related to the position they seek to obtain, and has no bearing on their ability to serve as an effective volunteer.
- That they simply provide a criminal record check serves to comply with the legislation.
- The legislation does not explore the types of offences for which a person might be eliminated from consideration which would create an unbalanced approach throughout the system.

While Bill 30 says it focuses on “sports”, really, it’s about hockey

The language in the Bill is not well-defined.

- Mr. Ouellette has based Bill 30 on his personal experience as a hockey coach and although within the hockey framework the definition of referees, trainers and coaches is well-defined, there may be variations across the sport spectrum.
- “Other officials” is unclear and could very well include thousands of people with no contact with minors.

Consider the need to screen volunteers across the non-profit human services sector

Volunteer screening is an important component in successfully managing risk across the non-profit human services sector including, but certainly not limited to sport.

A much more appropriate and effective approach to addressing the vulnerable population within the human services sector would include the development of volunteer screening requirements in cooperation with all the stakeholders and service providers. The SPORT4ONTARIO would be pleased to participate in this endeavour but to date has not been contacted. We are not aware of any attempt by Mr. Ouellette to work with organizations within the sport sector to address this matter.

What is sport doing about Bill 30?

In recognizing that criminal history checks are but one part of an effective screening program, SPORT4ONTARIO and the Coaches Association of Ontario are committed to providing educational resources, training and tools to help sport organizations in their efforts.

SPORT4ONTARIO has been working together with the Coaches Association of Ontario and corporate partner BackCheck, to develop a new platform that addresses the deficiencies outlined by sport organizations including capacity and provincial consistency. MyBackCheck.com, the result of this collaboration, provides an online environment by which sport organizations can request of volunteers that they obtain their “criminal record clearance” (police record check and vulnerable sector check) in a way that is secure, easy to use, consistent in terms of price and scope of check, can be completed within 24-hours, and can be audited to provide accountability. This new platform allows volunteers to share their clearance with multiple organizations and thus eliminate the need to visit the police station time and time again. MyBackCheck.com is being used by been SportBC, Scouts Canada, and other provincial and national organizations.

Quotes:

“The SPORT4ONTARIO is in full support of developing and maintaining a safe environment for all sport participants. However, this is not a sport-only issue. Efforts should focus on helping all organizations, regardless of sector; improve screening for all vulnerable persons in accordance with Volunteer Canada’s full 10-step process.

Effective risk management requires attention to all potential remedies for any given risk. Presenting one solution but ignoring the increased risks thereby created is not acceptable in today’s environment of organizational accountability. Screening is of great importance, and implementing a responsible system must be a collective process across the sectors in partnership with government.”

Margaret Emin, Chair, SPORT4ONTARIO

“The Ontario Hockey Federation has been a proponent of mandatory volunteer screening since 2001 and has continued to enhance its screening process each year. Bill 30 attempts to address the issue of volunteer screening in the sport sector, although it fails to be considered even an adequate approach. The Not-for-Profit Volunteer Organization sector continues to work towards improved risk management and safety for its members, however an approach such as the submission of Bill 30 without working with the organizations is detrimental to the overall improvement of programming for citizens of Ontario.”

Phillip McKee, Executive Director, Ontario Hockey Federation

“Gymnastics Ontario has adopted Volunteer Canada’s 10-step process as a starting point for managing the risks to our organization. We also go further and have developed a comprehensive strategy for coaches, judges and volunteers. Bill 30 describes only one facet of managing risks and should not be the only thrust for a sport organization.”

Holly Abraham, CEO, Gymnastics Ontario

“As coaches, our utmost concern is the health, safety and well-being of sport participants at all levels. Given our lead role in creating a safe environment, we support appropriate measures to ensure the most qualified and ethical individuals are coaching children in all communities.

However, we feel strongly that any new requirements must balance the risk to sport participants with protection of privacy for coaches against misuse of personal information.

Further we recommend that any background information obtained relating to coaches be specifically obtained for this purpose, pertain only to relevant information and be obtained only from reliable, accurate, information sources (i.e. proper authorities such as the RCMP database).

Lastly, any personal information, records or documents on any coach be handled in accordance and adherence with regulations in the Protection of Personal Information and Privacy Act.”

Susan Kitchen, Executive Director, Coaches Association of Ontario

About SPORT4ONTARIO:

SPORT4ONTARIO was founded as the Provincial Sport Organizations Council (PSOC) in 1998 and provides the collaborative environment, knowledge and resources to build sport capacity and drive leadership excellence in the Ontario sport community through education, advocacy, interaction, research and innovation.

For more information, please contact:

Brandy Tanenbaum, Executive Director

btanenbaum@sport4ontario.ca

416-426-7310